

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

STATE OF TEXAS	§	
	§	
STATE OF ARKANSAS	§	
	§	
STATE OF LOUISIANA	§	
	§	
STATE OF NEBRASKA	§	
	§	
Plaintiffs,	§	
	§	
v.	§	CIVIL ACTION NO. 7:15-cv-56
	§	
UNITED STATES OF AMERICA,	§	
UNITED STATES DEPARTMENT	§	
OF LABOR, and THOMAS E. PEREZ,	§	
in his Official Capacity as	§	
SECRETARY OF LABOR,	§	
	§	
Defendants.	§	

**OPPOSED MOTION TO EXTEND TIME TO FILE
REPLY IN SUPPORT OF APPLICATION FOR TEMPORARY
RESTRAINING ORDER AND PRELIMINARYINJUNCTION/STAY OF
ADMINISTRATIVE PROCEEDINGS**

TO THE HONORABLE REED O’CONNOR:

In support of their motion to extend time to file a reply in support of their application for temporary restraining order and preliminary injunction/stay of administrative proceedings, the Plaintiff States respectfully submit the following.

I.

1. The Court set a deadline of March 25 at 1pm for the Plaintiff

to reply to the Defendant's response to its application for temporary relief. Doc. 8 at 2.

2. The Plaintiff States filed an amended complaint adding three new states as Plaintiffs on March 25 at approximately 7:30 pm.

3. The Plaintiff States immediately filed their reply in support of the application for temporary relief on March 25 before 8:00 pm.

4. The Plaintiffs file this motion to extend time to allow the filing of their reply less than seven hours after the deadline for two reasons. First, the Defendants raised standing at the preliminary relief phase of this proceeding, claiming there is no injury due to no inquiries of state agencies for taking new FMLA leave under the Final Rule. As such, the Plaintiffs included additional allegations and evidence with the amended complaint that required additional time to gather. Second, three other states decided to join this lawsuit as Plaintiffs. Their addition necessitated an amended complaint. This also required tailoring the amended complaint to not add new claims in an effort to avoid mooted the Defendants' reply and preserve the Court's briefing schedule as best as possible given the new parties and evidence.

III.

The Plaintiff States respectfully request the Court grant its motion to extend time, deem their reply in support of their application for temporary relief timely, and grant all other relief to which they may be entitled.

Respectfully submitted,

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Attorney General of Arkansas

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¹ *Pro hac vice* application to be submitted in accordance with Local Rules.

/s/ William T. Deane
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ATTORNEYS FOR
PLAINTIFFS

CERTIFICATE OF CONFERENCE

I certify that I conferred with counsel for the Defendants by email on March 25. Counsel for the Defendants represented that they are opposed to this motion.

/s/ Michael P. Murphy
MICHAEL P. MURPHY
Assistant Attorney General

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been served electronically through the electronic-filing manager to all parties in compliance with TRCP 21a on this the 25th day of March, 2015.

/s/ William T. Deane
WILLIAM T. DEANE
Assistant Attorney General